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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/803,730	03/18/2004	Edward P. Busam	100041-41195	6016
27805	7590	08/18/2006	EXAMINER	
THOMPSON HINE L.L.P.			HENDERSON, MARK T	
P.O. BOX 8801			ART UNIT	
DAYTON, OH 45401-8801			PAPER NUMBER	
			3722	
DATE MAILED: 08/18/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/803,730	<b>Applicant(s)</b> BUSAM ET AL.	
	<b>Examiner</b> Mark T. Henderson	<b>Art Unit</b> 3722	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 18 March 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-7,10-24 and 26 is/are rejected.
- 7) ☒ Claim(s) 3,8,9 and 25 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>6/27/06</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED OFFICE ACTION**

### **Faxing of Responses to Office Actions**

In order to reduce pendency and avoid potential delays, TC 3700 is encouraging FAXing or responses to Office Actions directly into the Group at (571) 273-8300. This practice may be used for filing papers, which require a fee by applicants who authorize charges to a PTO deposit account. Please identify the examiner and art unit at the top of your cover sheet. Papers submitted via FAX into TC 3700 will be promptly forwarded to the examiner.

### ***Claim Objections***

Claim 7 is objected to because of the following informalities: Claim 7 discloses the limitation "said pivot line" in line 2, which lacks antecedent basis. Appropriate correction is required.

*Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 4-7, 10-24 and 26 are rejected under 35 U.S.C. 103(a) as being obvious over Carrasco (2,778,397) in view of Hollingsworth (6,837,346).

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art only under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 103(a) might be overcome by: (1) a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not an invention "by another"; (2) a showing of a date of invention for the claimed subject matter of the application which corresponds to subject matter disclosed but not claimed in the reference, prior to the effective U.S. filing date of the reference under 37 CFR 1.131; or (3) an oath or declaration under 37 CFR 1.130 stating that the application and reference are currently owned by the same party and that the inventor named in the application is the prior inventor under 35 U.S.C. 104, together with a terminal disclaimer in accordance with 37 CFR 1.321(c). This rejection might also be overcome by showing that the reference is disqualified under 35 U.S.C. 103(c) as prior art in a rejection under 35 U.S.C. 103(a). See MPEP § 706.02(l)(1) and § 706.02(l)(2).

Carrasco discloses in Fig. 1, a binder and method for manipulating a binder comprising: a first cover (11a); a second cover (11b) pivotally coupled to the first cover (11b); both covers being generally flat and planar and having a first side (see Fig. 1) and a second opposite side (see Fig. 1 and 2); a spine (12) located between and pivotally coupled to the first cover (11a) and the second cover (11b) about a hinge (32 and 33 in Fig. 5); a three-ring binding mechanism (40) located on the inner surface of the covers (see Fig. 1);

However, Carrasco does not disclose: a pocket having a cavity coupled to the first cover which can be accessed from both the first and second side of the first cover in a first and second position; wherein the pocket is movable to a multi-access position wherein the pocket can be simultaneously accessed from both sides of the cover; wherein the pocket is movable to a first position wherein all of the cavity is located on the first side of the cover, and a second position wherein no part of the pocket cavity is located on the first side of the first cover; wherein the pocket cavity includes a mouth oriented parallel to a pivot line; wherein the pocket includes a front and rear parallel panels which face each other, and a pair of side panels; wherein each side panel is made of expandable/gusseted material; wherein the first cover includes an opening, wherein the pocket is received in the opening; wherein the pocket includes a front or rear panel that is larger than the opening; a releasable fastener on the first cover on the second side which extends around at least part of the periphery of the pocket; and wherein the first and second covers and pocket are rectangular in top view.

Hollingsworth discloses in Fig. 1-4, a binder comprising: a pocket (86) having a cavity (86a) coupled to the first cover (16, see Fig. 2), which can be accessed from both the first side

(see Fig. 2) and second side (see Fig. 3) of the first cover in a first and second position; wherein the pocket is movable to a multi-access position (see Fig. 5) wherein the pocket can be simultaneously accessed from both sides of the cover; wherein the pocket (86) is movable to a first position wherein all of the cavity is located on the first side of the cover (see Fig. 2), and a second position (see Fig. 4) wherein no part of the pocket cavity is located on the first side of the first cover; wherein the pocket cavity (86a) includes a mouth oriented parallel to a pivot line (38); wherein the pocket (86) includes a front (88) and rear (28) parallel panels which face each other, and a pair of side panels (90); wherein each side panel is made of expandable/gusseted material (Col. 14, lines 1-7); wherein the first cover includes an opening (30), wherein the pocket is received in the opening (see Fig. 3), wherein the pocket includes a rear panel (28) that is larger than the opening; a releasable fastener (43, as seen in Fig. 2) on the first cover on the second side which extends around at least part of the periphery of the pocket; and wherein the first and second covers and pocket are rectangular in top view.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Carrasco's binder with a multi-access pocket on the cover as taught by Hollingsworth for providing means in which to retrieve items without opening the binder covers.

***Allowable Subject Matter***

Claims 3, 8, 9, and 25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Greer, Tomikawa et al, Malooly and Bianco et al disclose a similar binder.


**Contact Information**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark T. Henderson whose telephone number is (571) 272-4477, and informal fax number is (571) 273-4477. The examiner can be reached on Monday-Friday from 9:00AM to 3:45PM. If attempts to reach the examiner by telephone are unsuccessful, the Examiner Supervisor, Monica Carter, can be reached at (571) 272-4475. The formal fax number for TC 3700 is (571) 273-8300.



MTH

August 16, 2006



MONICA CARTER  
SUPERVISORY PATENT EXAMINER